

# Exhibit D

**Exhibit D**

'000 Patent, claim 1

Claim Element	Allegations in the Complaint	Alleged Actors in the Complaint
1. An apparatus, comprising:	<p><u>Paragraphs 94-96 of the Complaint</u></p> <p>94. The Accused Instrumentalities comprise <b>an apparatus</b> comprising a memory device, a receiver, a processing device, and a transmitter. The infringing apparatus comprises servers, hardware, software, and a collection of related and/or linked web pages and mobile applications for providing recruitment information and services to individuals (including individuals, independent contractors, temporary workers, and/or freelancers) in the United States. On information and belief, the Accused Instrumentalities comprise an apparatus with multiple interconnected infrastructures, including but not limited to multiple data centers, including Amazon Web Services (“AWS”) data centers located across the United States. Further on information and belief, Grubhub<sup>1</sup> employs multiple redundant data centers to withstand localized outages. <i>See above.</i></p> <p>95. On information and belief, the infringing Grubhub apparatus comprises Apache Cassandra as a primary data store. <i>See above.</i></p> <p>96. Upon information and belief, the Grubhub Accused Instrumentalities comprises data centers housing memory devices, processing devices, receivers, and transmitters. On information and belief, such data centers are in Illinois, Texas, and Utah. <i>See above.</i></p>	Grubhub
a memory device, wherein the memory	<u>Paragraphs 97-98 of the Complaint</u>	Grubhub

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<sup>1</sup> Grubhub does not capitalize the “H” in its name. When quoting Plaintiff’s allegations in these charts and the accompanying Motion to Dismiss, Defendant has corrected that spelling error.

<p>device stores work schedule information or scheduling information for an employer or a hiring entity, or for an individual, an independent contractor, a temporary worker, or a freelancer;</p>	<p>97. The Grubhub Accused Instrumentalities comprise a memory device or database, which stores at least work schedule information and/or scheduling information for individual drivers in the Grubhub network, each of whom are, on information and belief, employed by Grubhub as Independent Contractors. See above.</p> <p>98. The Grubhub Accused Instrumentalities store work schedule information for each such driver (independent contractor) by virtue of the driver's "Block Scheduling" selections on the Grubhub Driver App or, in the alternative, by virtue of the driver notifying Grubhub of his/her availability for engagement on an open assignment. Available Blocks are open on a first-come, first-served basis for drivers, although certain drivers with higher ranking will receive priority. Drivers who have formally signed up for a given block of time are given assignment priority for deliveries during the timeframe over otherwise available drivers. See above.</p>	
<p>a receiver, wherein the receiver receives a first request,</p>	<p><u>Paragraph 99 of the Complaint</u></p> <p>99. The Grubhub Accused Instrumentalities comprise a receiver for receiving a first request from a communication device associated with a hiring entity (e.g., the user of the Grubhub Mobile App for Consumers and/or the user of the Grubhub web page at grubhub.com). On information and belief, when a user seeks to place an order using the Grubhub apparatus, a first request is generated to obtain the work schedule information for the known available independent contractors in order to generate an Estimated Time for Delivery. If acceptable, the user has the option of placing the order and completing the transaction using a second request. See above.</p>	User (Grubhub mobile app and/or use of the Grubhub web page at grubhub.com)
<p>wherein the first request contains information regarding a request to obtain work schedule information or scheduling</p>	<p><u>Paragraph 99 of the Complaint</u></p> <p>99. The Grubhub Accused Instrumentalities comprise a receiver for receiving a first request from a communication device associated with a hiring entity (e.g., the user of the Grubhub Mobile App for Consumers and/or the user of the Grubhub web page at grubhub.com). On information and belief, when a user seeks to place an order using the Grubhub apparatus, a first request is generated to obtain the</p>	User (Grubhub mobile app and/or use of the Grubhub web page at grubhub.com)

<p>information for the employer, the hiring entity, the individual, the <b>independent contractor</b>, the temporary worker, or the freelancer,</p>	<p><b>work schedule information for the known available independent contractors</b> in order to generate an Estimated Time for Delivery. If acceptable, the user has the option of placing the order and completing the transaction using a second request. <i>See above.</i></p>	
<p>wherein <b>the first request is transmitted from a first communication device associated with</b> an employer or hiring entity or associated with an individual, <b>an independent contractor</b>, a temporary worker, or a freelancer</p>	<p><u>Paragraph 99 of the Complaint</u>   99. The Grubhub Accused Instrumentalities comprise a receiver for receiving a first request from a communication device associated with a hiring entity (e.g., the user of the Grubhub Mobile App for Consumers and/or the user of the Grubhub web page at grubhub.com). On information and belief, when a user seeks to place an order using the Grubhub apparatus, <b>a first request is generated to obtain the work schedule information for the known available independent contractors</b> in order to generate an Estimated Time for Delivery. If acceptable, the user has the option of placing the order and completing the transaction using a second request. <i>See above.</i></p>	User (Grubhub mobile app and/or use of the Grubhub web page at grubhub.com)
<p><b>a processing device,</b></p>	<p><u>Paragraph 94 of the Complaint</u>   94. The Accused Instrumentalities comprise an apparatus comprising a memory device, a receiver, <b>a processing device</b>, and a transmitter. The infringing apparatus comprises servers, hardware, software, and a collection of related and/or linked web pages and mobile applications for providing recruitment information and services to individuals (including individuals, independent contractors, temporary workers, and/or freelancers) in the United States. On information and belief, the Accused Instrumentalities comprise an apparatus with multiple interconnected infrastructures, including but not limited to multiple data centers, including Amazon Web Services (“AWS”) data centers located across the United States.</p>	None

	Further on information and belief, Grubhub employs multiple redundant data centers to withstand localized outages. <i>See</i> above.	
wherein the processing device is specially programmed for processing information contained in the first request,		None
wherein the processing device generates a first message containing the work schedule information or the scheduling information for the employer, the hiring entity, the individual, the independent contractor, the temporary worker, or the freelancer; and		None
<b>a transmitter,</b>	<u>Paragraph 94 of the Complaint</u> <p>94. The Accused Instrumentalities comprise an apparatus comprising a memory device, a receiver, a processing device, and <b>a transmitter</b>. The infringing apparatus comprises servers, hardware, software, and a collection of related and/or linked</p>	Grubhub

	web pages and mobile applications for providing recruitment information and services to individuals (including individuals, independent contractors, temporary workers, and/or freelancers) in the United States. On information and belief, the Accused Instrumentalities comprise an apparatus with multiple interconnected infrastructures, including but not limited to multiple data centers, including Amazon Web Services (“AWS”) data centers located across the United States. Further on information and belief, Grubhub employs multiple redundant data centers to withstand localized outages. <i>See</i> above.	
wherein the transmitter transmits the first message to the first communication device or to a second communication device,		None
wherein the apparatus processes information contained in a second request,		None
wherein <b>the second request contains information for offering services of the individual, the independent contractor, the temporary worker, or the freelancer, to the</b>	<u>Paragraph 100 of the Complaint</u>  100. On information and belief, when a user completes an order using the Grubhub Accused Instrumentalities, <b>the order comprises a second request to engage and obtain the Grubhub Independent Contractor</b> in the vicinity, and to thereafter receive delivery/status information. On information and belief, the Independent Contractors are notified via “push notification” when a new order is ready for delivery. Drivers are notified of available orders based on their proximity. If the initial driver does not timely respond by accepting the offer for delivery, it is	User (Grubhub mobile app and/or use of the Grubhub web page at grubhub.com)

employer or hiring entity, or contains information for the employer or hiring entity reserving or requesting the services of the individual, the independent contractor, the temporary worker, or the freelancer,	passed to the next available driver for consideration. The second request is confirmed, and the user is then given the options to “Track My Order” and real-time mapping features, as well as by the “ETA” and order status indications on the Grubhub Consumer App. <i>See</i> above.	
wherein the information contained in the second request is based on the work schedule information or the scheduling information for the employer, the hiring entity, the individual, the independent contractor, the temporary worker, or the freelancer, contained in the first message.		None